



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ७७(२)]

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असाधारण क्रमांक १४९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Indian Penal Code and the Code of Criminal Procedure (Maharashtra Amendment) Bill, 2018 (L. A. Bill No. LXVII of 2018), introduced in the Maharashtra Legislative Assembly on the 20th November 2018, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. LXVII OF 2018.

A BILL

further to amend the Indian Penal Code and the Code of Criminal Procedure, 1973, in their application to the State of Maharashtra.

45 of
1860. WHEREAS, it is expedient further to amend the Indian Penal Code and the
2 of
1974. Code of Criminal Procedure, 1973, in their application to the State of Maharashtra,
for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year
of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. This Act may be called the Indian Penal Code and the Code of Criminal Short title.
Procedure (Maharashtra Amendment) Act, 2018.

(१)

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE.

Amendment of section 272 of
Act 45 of 1860.

2. In section 272 of the Indian Penal Code, in its application to the State of Maharashtra (hereinafter, in this Chapter, referred to as "the Penal Code"), for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both" the following shall be substituted, namely :—

"shall be punished with imprisonment for life and shall also be liable to fine :—

Provided that, the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.".

Amendment of section 273 of
Act 45 of 1860.

3. In section 273 of the Penal Code, for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both" the following shall be substituted, namely :—

"shall be punished with imprisonment for life and shall also be liable to fine :—

Provided that, the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.".

Amendment of section 274 of
Act 45 of 1860.

4. In section 274 of the Penal Code for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both" the following shall be substituted, namely:—

"shall be punished with imprisonment for life and shall also be liable to fine :—

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.".

Amendment of section 275 of
Act 45 of 1860.

5. In section 275 of the Penal Code for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both" the following shall be substituted, namely :—

"shall be punished with imprisonment for life and shall also be liable to fine :—

Provided that, the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.".

Amendment of section 276 of
Act 45 of 1860.

6. In section 276 of the Penal Code for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both" the following shall be substituted, namely :—

"shall be punished with imprisonment for life and shall also be liable to fine :—

Provided that, the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.".

CHAPTER III

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973.

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1974. 7. In the First Schedule to the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, under the heading "I-OFFENCES UNDER THE INDIAN PENAL CODE", for entries relating to sections 272, 273, 274, 275 and 276, the following entries shall be substituted, namely :—

		Imprison- ment for life and fine.	Cogni- zable	Non- bailable	Court of Session.
272.	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto	Ditto	Ditto	Ditto
273.	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto	Ditto	Ditto	Ditto
274.	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto	Ditto	Ditto	Ditto
275.	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto	Ditto	Ditto	Ditto
276.	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto	Ditto	Ditto	Ditto."

STATEMENT OF OBJECTS AND REASONS

The practice of adulteration in Milk and other food articles as well as drugs is a serious threat to health of the public in general and is affecting the overall quality of health of people.

2. Sections 272 to 276 of the Indian Penal Code (45 of 1860) provides for offences relating to adulteration of food, drink, drug or medical preparations so as to make it noxious and their sale. The said offences are punishable with imprisonment of either description for a term which may extend to six months, or fine which may extend to one thousand rupees, or with both.

The said offences are non-cognizable and except offence related to adulterating any drug or medical preparation under section 274, the offences under sections 272, 273, 275 and 276 are bailable.

3. Apart from the penal provisions of the Indian Penal Code, section 59 of the Food Safety and Standards Act, 2006 (34 of 2006) (hereinafter referred to as "the Food Safety Act") also provides for different punishments, for offences such as manufacturing for sale or storing or selling or distributing or importing any article of food for human consumption which is unsafe, depending upon the gravity of injury caused thereby. The maximum punishment provided under the said section 59 is imprisonment for life and such offences thereunder are cognizable under the said Act.

Also, section 27 of the Drugs and Cosmetics Act, 1940 (23 of 1940) (hereinafter referred to as "the Drugs Act") provides punishment for manufacturing for sale or distribution or for selling or storing or distributing any drug which is adulterated or spurious. Under the said section 27 of the Drugs Act punishment of imprisonment for a term from ten years to imprisonment for life and fine is provided and the offence under said section 27 is cognizable.

4. Thus, there are drastic variations in punishments for the offences related to adulteration of food and drugs with Indian Penal Code containing mildest punishments of six months imprisonment or fine and the Food Act and the Drugs Act containing stringent punishments of imprisonment for life.

It is also noticed that at many instances during the raids by Police, the offences of the adulterated or unsafe food as well as adulterated or spurious drugs are detected in respect of which First Information Report is registered under said sections 272 to 276 of Indian Penal Code. In such cases, arrest or detention of the accused is necessary for the purposes of adequate and effective investigation and collection of evidence in time. Since the said offences under said sections of Indian Penal Code are non-cognizable and bailable, the police as well as Food Safety Officer and Drug Inspector are facing difficulties in investigation of the crimes which are affecting health of the public at large. Therefore, there is an urgent need for stringent punishments even for the said offences under the Indian Penal Code that can equally act as a deterrent.

Hence, the Government considers it expedient to amend sections 272 to 276 of the Indian Penal Code and the First Schedule to the Criminal Procedure Code for enhancing the punishments provided thereunder to imprisonment for life and fine and to make the said offences cognizable and non-bailable, on the lines of the amendments made by the State Governments of Odisha, Uttar Pradesh and West Bengal.

5. The Bill seeks to achieve the above objectives.

Mumbai,
dated the 19th November 2018.

DEVENDRA FADNAVIS,
Chief Minister.